

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA**

**VS.**

**PATRICK KISER,**

**Defendant**

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:  
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**Criminal No. 05-10 Erie**

**MOTION TO CONTINUE CHANGE OF PLEA PROCEEDING**

AND NOW, this 1<sup>ST</sup> day of August, 2005, comes the Defendant, Patrick Kiser, by and through counsel, Elliot J. Segel, Esquire, and respectfully requests that the time set for his Change of Plea hearing in this case be continued from August 2, 2005 until August 12, 2005 at 10:00 a.m. In support thereof, the Defendant states the following:

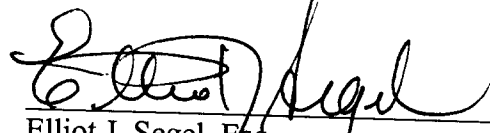
1. The Defendant has been charged in this Indictment with three felony offenses: arson, burglary and criminal conspiracy.
2. A Change of Plea proceeding has been scheduled before this Court for August 2, 2005.
3. In spite of good faith discussions between defense counsel and the Government, a plea agreement in the Defendant's case has not yet been finalized.
4. Defense counsel believes that a plea agreement between the Defendant and the Government in this case will be finalized, but that a brief period of additional time is needed for this purpose.
5. On August 1, 2005, undersigned counsel spoke with Assistant United States Attorney Christian Trabold, who as a result stated that the Government has no objection to the request contained in this Motion.

6. The Court has advised all parties that it is willing to schedule the Change of Plea proceeding for Friday, August 12, 2005 at 10:00 am.

7. The Defendant has been advised that he has a constitutional and statutory right to a speedy trial, and consents to waive those rights to the extent needed to obtain the relief requested herein.

WHEREFORE, the Defendant respectfully requests that the Change of Plea hearing currently scheduled for August 2, 2005 be continued until August 12, 2005 at 10:00 am.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "Elliot J. Segel", written over a horizontal line.

Elliot J. Segel, Esq.  
Counsel for Patrick Kiser  
PA ID# 32018  
818 State Street  
Erie, PA 16501  
(814) 454-1500

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Defendant's Motion to Continue Change of Plea Proceeding was hand delivered, this 1<sup>st</sup> day of August, 2005, to the following:

Christian Trabold, Esquire  
Assistant United States Attorney  
U.S. Federal Courthouse  
Erie, Pennsylvania 16501

  
ELLIOT J. SEGEL, ESQUIRE  
Attorney for Patrick Kiser